

HOUSE _____ AMENDMENT NO. ____

Offered By

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 71.012, Page 71, Line 68, by inserting the following after all of said line:

"71.515. 1. No city, town, or village in this state supplying an occupant of a premises utility services shall hold an owner of such premises liable for the delinquent payment of such utilities of the occupant, unless the owner is the occupant. Such city, town, or village rendering such utility services may sue the occupant that received such services in such premises in a civil suit to recover any sums owed for such services, plus a reasonable attorney's fee to be fixed by the court.

2. This section shall not apply to any city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county."; and

Further amend said Substitute, Section 247.060, Page 161, Line 28, by inserting the following after all of said line:

"250.140. 1. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to [both] the occupant [and owner] of the premises receiving such service and[, except as otherwise provided in subsection 2 of this section,] the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247, RSMo, rendering such services shall have power to sue the occupant [or owner, or both,] of such real estate in a civil action to recover any sums due for such services less any deposit that is held by

Action Taken _____

Date _____

1 the city, town, village, or sewer district or water supply district organized and incorporated under
2 chapter 247, RSMo, for such services, plus a reasonable attorney's fee to be fixed by the court.

3 2. [When the occupant is delinquent in payment for thirty days, the city, town, village,
4 sewer district, or water supply district shall make a good faith effort to notify the owner of the
5 premises receiving such service of the delinquency and the amount thereof. Notwithstanding any
6 other provision of this section to the contrary, when an occupant is delinquent more than ninety
7 days, the owner shall not be liable for sums due for more than ninety days of service; provided,
8 however, that in any city not within a county and any home rule city with more than four hundred
9 thousand inhabitants and located in more than one county, until January 1, 2007, when an
10 occupant is delinquent more than one hundred twenty days the owner shall not be liable for sums
11 due for more than one hundred twenty days of service, and after January 1, 2007, when an
12 occupant is delinquent more than ninety days the owner shall not be liable for sums due for more
13 than ninety days. Any notice of termination of service shall be sent to both the occupant and
14 owner of the premises receiving such service.

15 3. The provisions of this section shall apply only to residences that have their own private
16 water and sewer lines. In instances where several residences share a common water or sewer line,
17 the owner of the real property upon which the residences sit shall be liable for water and sewer
18 expenses.

19 4.] Notwithstanding any other provision of law to the contrary, any water provider who
20 terminates service due to delinquency of payment by a consumer shall not be liable for any civil or
21 criminal damages.

22 [5.] 3. The provisions of this section shall not apply to unapplied-for utility services. As
23 used in this subsection, "unapplied-for utility services" means services requiring application by
24 the property owner and acceptance of such application by the utility prior to the establishment of
25 an account. The property owner is billed directly for the services provided, and as a result, any
26 delinquent payment of a bill becomes the responsibility of the property owner rather than the
27 occupant.

28 4. This section shall not apply to any city not within a county and any home rule city with
29 more than four hundred thousand inhabitants and located in more than one county.

Action Taken _____

Date _____

1 250.142. 1. Sewerage services, water services, or water and sewerage services combined
2 shall be deemed to be furnished to both the occupant and owner of the premises receiving such
3 service and, except as otherwise provided in subsection 2 of this section, the city, town, village, or
4 sewer district or water supply district organized and incorporated under chapter 247, RSMo,
5 rendering such services shall have power to sue the occupant or owner, or both, of such real estate
6 in a civil action to recover any sums due for such services less any deposit that is held by the city,
7 town, village, or sewer district or water supply district organized and incorporated under chapter
8 247, RSMo, for such services, plus a reasonable attorney's fee to be fixed by the court.

9 2. When the occupant is delinquent in payment for thirty days, the city, town, village,
10 sewer district, or water supply district shall make a good faith effort to notify the owner of the
11 premises receiving such service of the delinquency and the amount thereof. Notwithstanding any
12 other provision of this section to the contrary, when an occupant is delinquent more than ninety
13 days, the owner shall not be liable for sums due for more than ninety days of service. Any notice
14 of termination of service shall be sent to both the occupant and owner of the premises receiving
15 such service.

16 3. The provisions of this section shall apply only to residences that have their own private
17 water and sewer lines. In instances where several residences share a common water or sewer line,
18 the owner of the real property upon which the residences sit shall be liable for water and sewer
19 expenses.

20 4. Notwithstanding any other provision of law to the contrary, any water provider who
21 terminates service due to delinquency of payment by a consumer shall not be liable for any civil or
22 criminal damages.

23 5. The provisions of this section shall not apply to unapplied-for utility services. As used
24 in this subsection, "unapplied-for utility services" means services requiring application by the
25 property owner and acceptance of such application by the utility prior to the establishment of an
26 account. The property owner is billed directly for the services provided, and as a result, any
27 delinquent payment of a bill becomes the responsibility of the property owner rather than the
28 occupant.

29 6. This section shall only apply to any city not within a county and any home rule city

Action Taken _____

Date _____

1 with more than four hundred thousand inhabitants and located in more than one county."; and,
2
3 Further amend said bill by amending the title, enacting clause, and intersectional references
4 accordingly.

Action Taken _____

Date _____